

**COMPLAINT INVESTIGATION
CLARK COUNTY SCHOOL DISTRICT
(#CL062209)**

INTRODUCTION

On 6/22/09, the Nevada Superintendent of Public Instruction received a complaint dated 6/17/09 from a parent alleging a violation in the special education program of a student with disabilities attending Clark County School District (CCSD). An investigation team was appointed to examine the allegation that the CCSD did not implement the student's 3/31/09 individualized educational program (IEP) because the world history teacher did make any entries in the communication log.

Under the provisions of 34 CFR §300.152(b) of the Individuals with Disabilities Education Act (IDEA), the Nevada Department of Education (NDE) extended the timeline for the completion of the complaint investigation to 9/18/09 because of extraordinary circumstances due to the unavailability during the summer months of CCSD personnel who could access necessary documents and with whom interviews were needed. The parents and district were notified of this extension in letters dated 7/13/09.

COMPLAINT ISSUES

The allegation articulated in the complaint, and further clarified by a review of documents and interviews, raised the following issue under the jurisdiction of the NDE:

- Whether CCSD complied with state requirements to implement the student's annual IEP with regard to the communication log, specifically the obligations of the world history teacher.

PERSONS INTERVIEWED

The investigation team interviewed the following persons:

- Parent
- Case manager
- Department chair
- World history teacher

DOCUMENTS REVIEWED

The documents reviewed by the investigation team included the following:

1. 3/31/09 annual IEP
2. Student's 3/31/09 positive behavior intervention support plan 3/31/09 (BIP)
3. Student's communication log for 8 class days
4. 2008/2009 school calendar
5. Student's attendance records for the 2008/2009 school year
6. Student's progress reports from 3/09 through the end of the 2008/2009 school year
7. Student's report cards for the 2008/2009 school year

The investigation team also reviewed the following authorities:

- Nevada Administrative Code (NAC), Chapter 388
- IDEA Regulations, 34 CFR Part 300

FINDINGS OF FACT

This investigation involved a high school special education student with learning disabilities. A review of documents, as well as interviews with the parent, the case manager, the department chair and the world history teacher revealed the following facts.

The student's annual IEP was completed on 3/31/09 (annual IEP). The annual IEP included an accommodation that stated "Student will carry communication log to core classes where [student] will write assignments and teachers will sign". The accommodation was to occur daily in the regular education classes from 3/31/09 through 3/19/10. World history was one of the student's core classes during the 2008/2009 school year. The student's BIP, which was part of the student's annual IEP, stated that "[Student] will carry a communication log to each class. [Student] will be responsible for taking communication log to teacher or teaching assistant at the end of each core class to have teacher

check and make sure it is filled out”. There was no requirement in the annual IEP or the BIP for the teachers to take any action if the student failed to bring the communication log to a teacher or teaching assistant at the end of a class period.

The communication log included the following sections to be filled out: 1) a rating scale for being on-task and for turning in work (target behaviors); 2) a space to describe what happened in class; 3) a space to indicate what homework was assigned; 4) a space for “Teacher Signature/Comments” and 5) a space for “Parent Signature/Comments”.

The parent reported that the world history teacher refused to make sure the communication log was filled out on those occasions when the student brought it to him. The world history teacher stated that while he reminded the student a number of times that he was supposed to bring him the communication log at the end of class, the student only brought him the communication log two times. On those two occasions, the teacher signed the communication logs, the student indicated what happened in class and indicated what homework was assigned, but the rating scales for the target behaviors were not completed.

The student received a final grade of “C” in world history.

CONCLUSIONS OF LAW AND REASONS

- Whether CCSD complied with state requirements to implement the student’s annual IEP with regard to the communication log, specifically the obligations of the world history teacher.

This complaint concerned an allegation that the district did not implement the student’s 3/31/09 IEP because the world history teacher did not make any entries in the communication log.

State regulations at NAC §388.281(6)(g) require that the school district shall “provide the services and instruction deemed necessary for the pupil by the [IEP] committee.”

In this case, the world history teacher was required to make sure the communication log was filled out when the student brought it to him. There were conflicting reports on the number of occasions that the student brought the communication log to the world history teacher. On the two documented occasions that the world history teacher received the communication log, although the class work and assignments sections were completed and the teacher signed it, the rating scales were not completed. The world history teacher was required to make sure the communication log was completed and failed to do so.

Therefore CCSD failed to comply with state requirements to implement the student’s annual IEP with regard to the communication log, specifically the obligation of the world history teacher.

ORDER FOR CORRECTIVE ACTION

The CCSD is required to take corrective actions to address the violation found in this complaint investigation. Specifically, the district did not implement the student’s annual IEP when it failed to have the world history teacher make sure the communication log was filled out.

Professional Development/Training

Within 30 days of receipt of this report, the CCSD must develop and submit to the NDE a proposed Corrective Action Plan (CAP). The proposed CAP must:

- Include a plan to provide professional development for relevant teachers and administrators at the school site on the requirements for implementing accommodations in IEPs.

The CAP must be approved by the NDE prior to implementation. Following implementation of the approved activities, documentation of district corrective actions must be provided to the NDE within 30 days of completion.